

## Remarks

The Examiner rejected claims 1–8, 10–14, 18–31, and 37–40, objected to claims 9 and 15–17, and allowed claims 32–36. Claims 1–40 remain in the application.

The Examiner rejected: (i) claims 1, 2, 5, 7, 8, 10, 11, 18–27, 29–31, and 37–40 under 35 U.S.C. 103(a) as being unpatentable over US 5,984,078 (Bonnet) in view of US 4,231,469 (Arscott); and (ii) claims 3, 4, 6, 12–14, and 28 under 35 U.S.C. 103(a) as being unpatentable over Bonnet in view of Arscott and further in view of US 4,598,815 (Adama). Applicant respectfully traverses the rejections.

MPEP § 2143.01 provides: “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” In this case, the prior art does not suggest replacing the three-flat-belt, shuttle-operated pass-through/diverting conveyor of Bonnet with the main roller-belt conveyor of Arscott. In fact, applicant is not sure how the Examiner proposes “employ[ing] a roller-top belt ..., as taught by Arscott, in the device of Bonnet, for the purpose of providing a clean positive entry or exit of products entering sideways and being discharged sideways.” Would each of the three Bonnet belts (16, 18, 20) be replaced by an individual roller-top belt as in Arscott FIGS. 4–6—an unworkable solution because the rollers on the pass-through belt would be oriented in the wrong direction? Or would the roller-top conveyor of Arscott replace the entire shuttle assembly? In any event, Arscott does not disclose using a roller-top conveyor belt as a cross conveyor to divert articles. Instead, Arscott describes using a roller-top conveyor as in FIGS. 4–6 “to accept products entering [the conveyor] sideways and being discharged sideways ... at entry or discharge areas.” (See Arscott, C3/L47–54.) The only conveyor Arscott describes with respect to the embodiments of FIGS. 4–6 is the roller-top conveyor from which

articles may be discharged sideways or onto which articles may enter sideways with the aid of the roller rotation. Thus, Arscott uses the roller-top conveyor as the main conveyor. Furthermore, Arscott is concerned with conveyors in which “objects are pushed onto a moving or indexing conveyor at one point on its route, and are later removed sideways at another point.” (See Arscott, C1/L17–20.) It would not have been obvious to one skilled in the art to use a main conveyor like Arscott’s to replace the shuttle cross-conveyor in Bonnet’s sorter. In fact, Mr. Bonnet, a prolific inventor with at least 50 conveyor patents (according to a search of the USPTO patent database using the search criteria /IN Bonnet AND parcel), and clearly one skilled in that art, apparently did not consider using a roller belt as in the much earlier Arscott patent—even though Bonnet deprecates other diverter assemblies as having “a relatively large number of moving parts.” (See Bonnet, C1/L41.) Yet Bonnet’s shuttle conveyor, with its three conveyor belts and its timing belt, is a much more complex solution than a single roller belt, as first proposed by applicant. Combining the teachings of Bonnet and Arscott to come up with applicant’s invention is resorting to impermissible hindsight analysis and failing to credit applicant’s ingenuity in devising his simple solution. Consequently, the §103(a) rejection of claims 1, 2, 5, 7, 8, 10, 11, 18–27, 29–31, and 37–40 is unsupported by the art and should be withdrawn.

Because the deficiencies of the Bonnet-Arscott combination are not cured by Adama, the §103(a) rejection of dependent claims 3, 4, 6, 12–14, and 28 should likewise be withdrawn.

Applicant respectfully requests reconsideration of the rejection of the claims in view of these remarks and their allowance.

This response is being sent within three months of the Office Action. If the Examiner thinks a telephone conference would expedite the prosecution of this application, he is invited to call the undersigned attorney.

Respectfully submitted,  
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